

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL CASE
v	:	: No. 4:18-CR-274-LGW-BWC
PABLO RANGEL-RUBIO,	:	
JUAN RANGEL-RUBIO, &	:	
HIGINIO PEREZ-BRAVO	:	
_____	:	

**JOINT DEFENSE MOTION TO EXTEND DEADLINES DUE TO
EXTENUATING CIRCUMSTANCES CAUSED BY COVID 19**

Come now the Defendants, PABLO RANGEL-RUBIO, JUAN RANGELRUBIO AND HIGINIO PEREZ-BRAVO, by and through undersigned counsel, who hereby move this Court to extend the deadline for the filing of motions and associated responses, replies and hearings. In support of this Motion, the Defendants jointly to the Court the following:

(1)

Originally, all pretrial motions were due by April 20, 2020.

(2)

Because of the ongoing COVID-19 Pandemic, the defendants, on numerous occasions, moved the court to extend the deadline for submitting pretrial motions.

(3)

Accompanying the most recent motion to extend the time limits, the Defendants filed a series of motions that did not require investigation and/or confidential communications with clients. *See, e.g.* (Doc. 354; 355; 356; 358; 359).

(4)

Over the government's objection, the Court granted the Defendants' last Motion to Extend Deadlines and directed that all motions be due on or before January 16, 2021. (Doc. 375).

(5)

The Defendants are in the same position they were at the previous times they filed Motion to Extend Deadlines, and the reasoning behind this Court granting the prior extensions apply with equal, or greater¹ force today.

(6)

In addition, counsel for the Defendants believe there are motions that will be filed once the government complies with its obligations under F.R.Cr.P. 16 (expert reports), and once logistical issues can be resolved with the Clerk of the Court

¹ The number of confirmed positive COVID cases in Chatham (as is true throughout the country) have steadily been on the rise since the middle of October, 2020, and on the day before this filing (January 12, 2021) recorded a new all time high of 203 newly confirmed cases in one day.

(Grand Jury Challenge). As these conditions precedent have not been met, counsel cannot perfect the motions they believe need to be filed.

(7)

Counsel for the Defendants recognize this Court has indicated that the previous extension was “likely the last extension that will be granted in this case” but recent developments likely will end the need for further extensions. The vaccination process has begun in Georgia and counsel for the Defendants are likely to receive vaccinations within a short amount of time either because of age and health related issues² or because they will be considered as essential court workers.³

(8)

All Defense Counsel have conferred by telephone conference and have agreed to respectfully request an extension of time for the filing of all pretrial motions. This request is made acknowledging the Defendants’ rights to a speedy trial.

² Counsel John Martin, Mark Olive and George Asnic, are particularly vulnerable. Mr. Martin, because of cancer and related chemotherapy, has a highly compromised immune system. Counsel Olive and Asnic suffer from severe hypertension and heart disease.

³ The Georgia Department of Public Health has indicated essential Court personnel will be in the second wave of those vaccinated, after health care workers, first responders and residents and staff of long term-care facilities. Mr. Bryant and Mr. Ertel, as staff of the Federal Public Defender, will fall into this category.

WHEREFORE, the Defendants move this Court to extend the deadline by sixty (60) days as shown in the Proposed Order. Respectfully submitted on Behalf of All Defendants and All Defense Counsel.

Dated: This 13th day of January, 2021.

Respectfully submitted,

/s/ Jeffrey L. Ertel

Jeffrey L. Ertel

State Bar No. 249966

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served all the parties in the above-captioned case in accordance with the directives from the Court Notice of Electronic Filing which was generated as a result of electronic filing.

Dated: This 13th day of January, 2021.

/s/Jeffrey L. Ertel